IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

WEDNESDAY, THE TWENTY SECOND DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

and
THE HON'BLE MR JUSTICE M.NARAYANA REDDY

WRIT APPEAL NO : 2019 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 17/11/2004 in WP No : 20999 OF 2004 on the file of the High Court.)

Between:

Rajendra Kumar Agarwal, S/o Dhanna Lal Agarwal,
R/o Rebbana Village and Mandal, Adilabad District.

..... APPELLANT

AND

1. Government of Andhra Pradesh, Forest Department,
   through its Sub Divisional Forest Officer and Authorised
Officer, Luxettipet, Adilabad District.
2. The Forest Range Officer, Luxettipet, Adilabad District.

..RESPONDENTS

Counsel for the Appellant: MR.K.RAGHUVEER REDDY

Counsel for the Respondent Nos.1 and 2: GP FOR FORESTS

The Court, at the stage of admission, made the following:

JUDGMENT: **(Per Hon'ble Sri Justice B.Sudershan Reddy)**

The learned single Judge relying upon the decisions of the Apex Court in ***STATE OF KARNATAKA*** Vs. ***K.KRISHNAN*** and ***SECTION FORESTOR*** Vs. ***MANSUR ALI KHAN***, rightly refused to release the vehicle in question, seized in connection with the proceedings initiated under Section 44 (2) of the A.P. Forest Act, 1967 (for short "the Act"). As has been rightly observed by the learned single Judge, no exceptional case, as such, is made by the appellant herein for release of the said vehicle. It is not the question of power or jurisdiction of this Court to release the vehicle, but the question is of exercise of jurisdiction. Since no exceptional case, as such, is made out by the appellant herein for release of the vehicle, we are not inclined to take a different view other than the one taken by the learned single Judge.

Writ appeal fails and shall accordingly stand dismissed with the same direction to the respondents to complete the proceedings under Section 44 (22-A) of the Act initiated against the appellant within a period of three months from the date of the appellant submitting explanation to the show cause notice issued. It is needless to observe that the respondents shall not be influenced by the observations, if any, made in this order.

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B. SUDERSHAN REDDY, J.

Date:22-12-2004

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M. NARAYANA REDDY, J.

GS/KS

To

1. The Sub Divisional Forest Officer and Authorised Officer, Forest Department, Luxettipet, Adilabad District.

2. The Forest Range Officer, Luxettipet, Adilabad District.

3. Two CCs to the G.P. for Forests, High Court of A.P., Hyderabad (O.U.T.)

4. 2 CD copies